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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/932,784	09/18/1997	JAMES A. MCKAIN	A0521/7125	5693

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PETER J. GORDON, PATENT COUNSEL
AVID TECHNOLOGY, INC.
ONE PARK WEST
TEWKSBURY, MA 01876

EXAMINER

NGUYEN, HUY THANH

ART UNIT PAPER NUMBER

2615

DATE MAILED: 08/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PR4

Advisory Action

Application No.

08/932,784

Applicant(s)

MCKAIN ET AL.

Examiner

HUY T NGUYEN

Art Unit

2615

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 July 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 23 July 2002. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-2 and 4-44.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed July 23, 2002 have been fully considered but they are not persuasive.

In Remarks, applicant argues that the Examiner admits that the combination of Washino and Freeman fails to teach that the editing means is within the housing of the recorder.

In response, the examiner did not admit that Washino and Freeman fails to teaches the editing means is within housing of the recorder since both Washino and Freeman teaches recorders that stored digital video signal and Freeman additional teaches an editing means within a recorder for specifying stored sequence of segments. Since the claimed directed to a camera integrated recorder and having an editing means that is ready available in the art, the combination of Washino and Freeman teaches a recorder integrated with a camera having a editing means as recited in claims .

In Remarks, applicant argues that "Washino teaches recording of digital video information, as does Peters. Both Peters and Washino discuss how the recorded information may be provided to an editing system. Freeman and Bohrman both teach editing systems, and Bohrman in particular teaches editing a sequence of segments of motion video information" and that "Osamu is the only reference relied by the Examiner as teaching an editing system that is within the housing of a recorder, but the Examiner admits that Osamu fails to teach that editing specifies a sequence of segments of the stored motion video information. In fact, Osamu only teaches that control buttons

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106-120 are used to switch modes, change shutter speed, fade in, fade out and create digital titles.” .

In response, it is submitted that the examiner relies on Osamu as a evidence in the art that an editing means can be incorporated in the recorded integrated camera housing for performing additional function of editing video information to the function of capturing and recording video signal is known in the art at the time the invention was made . Since incorporating an editing means in a camera integrated recorder housing is well known in the art, it is obvious to one of ordinary skill in the art to incorporate the editing means as taught by Freeman within the camera integrated recorder housing of Washino or incorporate an editing means as taught by Barman to the camera integrated recorder housing Peter to specify a sequence of segment of the stored motion digital data .

Applicant argues that “Osamu only teaches that a specific kind of "editing" (particularly switching modes, changing shutter speed, fading in, fading out and creating digital titles) may be incorporated into a camera. The Examiner argues that Osamu therefore generally suggests that all kinds of "editing" may be incorporated into a camera. The Examiner then argues that because Bohrman and Freeman both teach a kind of "editing" (in this case, creating a sequence of segments), in view of Osamu, one of ordinary skill in the art would combine the teachings of Bohrman and Freeman with those of Peters and Washino” and “ The Examiner's argument does not support a conclusion of obviousness because Osamu does not generally teach that all kinds of "editing" can be incorporated into a camera. Osamu only teaches a specific set of

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functions (particularly switching modes, changing shutter speed, fading in, fading out and creating digital titles) that are notably dissimilar from "specifying a sequence of segments" of stored "motion video information" as claimed in all of the independent claims."

In response, it is submitted that although Osamu does not specifically teach a editing means for "specifying a sequence of segments" of stored "motion video information" as claimed in all of the independent claims," but Osamu does teach an editing means can be incorporated in recorder integrated camera housing as admitted by applicant. The editing means that has function for "specifying a sequence of segments of stored motion video information" are taught by Freeman and/or Borman .

Other Art

The Examiner also refers to Bluth and Silverbrook as teaching digital cameras with editing functions. In Bluth, the camera 11 has outputs that may be selected by a camera control 12 to be output for editing purposes. Editing functions are not in the camera. Thus Bluth does not teach "specifying a sequence of segments" of stored "motion video information". In response , it is noted that Bluth teaches that the editing means in a recorder coupled to a camera and that Bluth also teaches "specifying a sequence of segments of stored motion video information".

In Silverbrook, live video may be transitioned to stored animation, or stored animation may be transitioned to live video, while the live video is being recorded onto a tape.

Silverbrook does not teach "specifying a sequence of segments" of stored "motion video

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information". In response, it is noted that Silverbrook teaches the using an editing means within a housing of a camera-integrated recorder.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2600 TECH CENTER customer service whose telephone number is (703) 306-0377.


HUY T. NGUYEN
PRIMARY EXAMINER

H.N
August 9, 2002